

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TOMMY R. WHITMER, II,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-10-0618-F
)	
MICHAEL J. ASTRUE,)	
Commissioner of the Social Security)	
Administration,)	
)	
Defendant.)	

ORDER

Plaintiff Tommy R. Whitmer, II, brings this action seeking judicial review, pursuant to 42 U.S.C. § 405(g), of the final decision of Defendant Commissioner denying plaintiff's application for disability benefits under the Social Security Act.

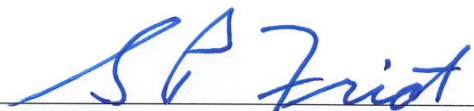
Magistrate Judge Bana Roberts issued a Report and Recommendation in this matter on August 15, 2011 (doc. no. 22), recommending that the Commissioner's decision be reversed and that the matter be remanded for further administrative proceedings. In her Report, the magistrate judge advised the parties of their right to object to the Report and Recommendation by September 6, 2011. She also advised that failure to make timely objection to the Report waives the right to appellate review of both factual and legal issues contained in the Report. Neither party has filed an objection to the Report, and neither party has requested an extension of time within which to file any objection to the Report.

With no objection being filed, and having reviewed the Report, the record, and the relevant arguments and authorities, the court finds that no purpose would be

served by setting out any further analysis here and that the Report should be adopted in its entirety.

Accordingly, the court **ACCEPTS, AFFIRMS, and ADOPTS** the findings and recommendations of Magistrate Judge Roberts as stated in her Report and Recommendation. The Commissioner's decision denying benefits is hereby **REVERSED**. This matter is **REMANDED** for further administrative proceedings consistent with the Report and Recommendation.

Dated this 8th day of September, 2011.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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